

CUYAHOGA COUNTY RECORDER  
PATRICK J. O'MALLEY  
DECL 05/30/2000 03:11:39 PM  
**200005300915**

CUYAHOGA COUNTY RECORDER  
200005300915 PAGE 1 of 7

AMENDMENT TO THE

DECLARATION OF CONDOMINIUM OWNERSHIP FOR

MACINTOSH FARMS CONDOMINIUM NO. 1

AMENDMENT TO THE  
DECLARATION OF CONDOMINIUM OWNERSHIP FOR  
MACINTOSH FARMS CONDOMINIUM NO. 1

WHEREAS, the Declaration of Condominium Ownership for MacIntosh Farms Condominium No. 1 was recorded at Volume 86-4892, Pages 7 et seq., of Cuyahoga County Records, and

WHEREAS, the MacIntosh Farms Condominium No. 1 Owners Association is a corporation consisting of all Unit Owners in MacIntosh Farms Condominium No. 1 and as such is the representative of all owners, and

WHEREAS, Article XII of said Declaration authorizes amendments to the Declaration, and

WHEREAS, Unit Owners in excess of 75.0% of the voting power of the Association have executed an instrument in writing setting forth specifically the new matter to be added, and

WHEREAS, attached hereto as Exhibit A is an Affidavit of the President of the Association that a copy of the amendment was to all Unit Owners and to the mortgagees on the records of the Association having bona fide liens of record against any Unit ownership, and

WHEREAS, the Association has in its records the consents to the Amendment signed by 76.758% of the Unit Owners and further has in its records the consents, if any, of the mortgagees as certified by the Secretary in the attached Exhibit B, and

WHEREAS, the Association has in its records the power of attorney signed by 76.758% of the Unit Owners authorizing the officers of the MacIntosh Farms Condominium No. 1 to execute this recorded document on their behalf, and

WHEREAS, the proceedings necessary to amend the Declaration as required by Chapter 5311 of the Ohio Revised Code and the Declaration of Condominium Ownership for MacIntosh Farms Condominium No. 1 have in all respects been complied with,

NOW THEREFORE, the Declaration of Condominium Ownership for MacIntosh Farms Condominium No. 1 is hereby amended by the following:

INSERT a new DECLARATION ARTICLE X, Section C entitled, "Cost of Collection." Said new addition, to be added on Page 30 of the Declaration as recorded in Cuyahoga County Records Volume 86-4892, Pages 7 et seq., is as follows:

(C) Cost of Collection. A delinquent Unit Owner shall also be liable for any and all costs incurred by the Association in connection with the collection of the delinquent Unit Owner's account, including reasonable attorney fees, recording costs, title reports and/or court costs.

INSERT a new DECLARATION ARTICLE X, Section D entitled, "Cost of Enforcement." Said new addition, to be added on Page 30 of the Declaration as recorded in Cuyahoga County Records Volume 86-4892, Pages 7 et seq., is as follows:

(D) Cost of Enforcement. If any Unit Owner (either by his or her conduct or by the conduct of any Occupant of his or her Unit) shall violate any provision of the Declaration, Bylaws or Rules, said Unit Owner shall pay to the Association, in addition to any other sums due, all costs and expenses incurred by the Association in connection with the enforcement of said provision or rule, including reasonable attorney fees and/or court costs. Said costs and expenses shall be charged as a special assessment against said Unit Owner. The Association, in addition to all other remedies available, shall have the right to place a lien upon the estate or interest of said Unit Owner as further explained and set forth in Declaration Article V, Section D.

Any conflict between these provisions and any other provisions of the Declaration and Bylaws shall be interpreted in favor of this amendment regarding the cost of collection and cost of enforcement. Upon the recording of this amendment, only Unit Owners of record at the time of such filing shall have standing to contest the validity of the amendment, whether on procedural, substantive or any other grounds, provided further that any such challenge shall be brought within one year of the recording of the amendment.

IN WITNESS WHEREOF, the said MacIntosh Farms Condominium No. 1 Owners Association has caused the execution of this instrument this 24<sup>th</sup> day of May, 2000.

MACINTOSH FARMS CONDOMINIUM NO. 1 OWNERS ASSOCIATION

Signed and acknowledged  
in the presence of both:

Carol Kormanec

Witness #1: CAROL KORMANEC  
Please print name below signature.

By: Warren Barber  
WARREN BARBER, its President

Nancy-Anne Wargo

Witness #2: NANCY-ANNE WARGO  
Please print name below signature.

By: June M. Frank  
JUNE FRANK, its Secretary  
aka JUNE M. FRANK

This instrument prepared by:  
DAVID W. KAMAN, Esq.  
Kaman, Ott & Cusimano, Attorneys at Law  
50 Public Square  
600 Terminal Tower  
Cleveland, Ohio 44113  
(216) 696-0650

STATE OF OHIO )  
 )  
COUNTY OF ~~CUYAHOGA~~ <sup>SUMMIT</sup> ) SS

CUYAHOGA COUNTY RECORDER  
200005300915 PAGE 5 of 7

BEFORE ME, a Notary Public in and for said County, personally appeared the above named MacIntosh Farms Condominium No. 1 Owners Association, by its President and its Secretary, who acknowledged that they did sign the foregoing instrument and that the same is the free act and deed of said corporation and the free act and deed of each of them personally and as such officers.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal at SAGAMORE HILLS, Ohio, this 24<sup>th</sup> day of May, 2000.

Nancy-Anne Wargo  
NOTARY PUBLIC

NANCY-ANNE WARGO  
Notary Public, State of Ohio  
My Commission Expires May 5, 2001  
Recorded in Summit County



EXHIBIT B

CERTIFICATION OF SECRETARY

The undersigned, being the duly elected and qualified Secretary of the MacIntosh Farms Condominium No. 1 Owners Association, hereby certifies that there is on file in the records of the Association, the names of the following mortgagees, if any, who have consented to the proposed Amendment to the Declaration of MacIntosh Farms Condominium No. 1.

N O N E

*June M. Frank*  
JUNE FRANK, Secretary  
aka JUNE M. FRANK

STATE OF OHIO            )  
                  *SUMMIT*        )        SS  
COUNTY OF ~~CUYAHOGA~~ )

BEFORE ME, a Notary Public in and for said County, personally appeared the above named JUNE FRANK / aka JUNE M. FRANK who acknowledged that she did sign the foregoing instrument and that the same is her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at SAGAMORE HILLS, Ohio, this 24<sup>th</sup> day of May, 2000.

*Nancy-Anne Wargo*  
NOTARY PUBLIC

NANCY-ANNE WARGO  
Notary Public, State of Ohio  
My Commission Expires May 5, 2001  
Recorded in Summit County